

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,	*
	*
Plaintiff,	*
	*
V.	* CR. NO.
DESMONDANTONIO T. GROVE,	* 2:07CR168-MEF
	*
Defendant.	*

UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now the defendant, by and through undersigned counsel, and submits the following:

1. The trial of this case is set for the term beginning January 14, 2008.

2. The defendant is charged with possession with intent to distribute cocaine-base and distribution of same.

3. Undersigned counsel was appointed to represent defendant on October 29, 2007 to replace previous appointed counsel.

4. Undersigned counsel has a previously set civil jury trial in the Circuit Court of Elmore County, Alabama for the trial term beginning January 7, 2008 that is expected to last about four days. Counsel does not know at this time when during that term the trial will begin. The case is Montgomery Marine, Inc. v. McBride, McBride and BassMaxx, LLC., Case no. CV-05-563-F. Copy of order attached as exhibit A.

5. There are some difficult issues that remain unresolved and need to be resolved before a decision regarding a final resolution of this case can be made.

6. Undersigned counsel has conferred with the Government regarding this request and the government does not oppose this motion for a continuance.

7. A waiver of speedy trial signed by defendant is attached to this motion as exhibit B.

Wherefore, undersigned counsel requests that the trial in the above styled case be continue and reset to a later term, or for such other relief as the Court deems just.

Respectfully submitted this 17th day of December, 2007.

s/Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for
Defendant Grove
600 South McDonough Street
Montgomery, AL 36104
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Bar No. ASB7699F67J

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Clark Morris, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for
Defendant Grove



AlaFile E-Notice

29-CV-2006-000563.00

Judge: BEN A FULLER

To: DUFFEY JEFFERY C
jcduffey@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

MONTGOMERY MARINE REPAIR INC VS SONDR MCBRIDE ET AL
29-CV-2006-000563.00

The following matter was FILED on 8/23/2007 11:18:38 AM

Notice Date: 8/23/2007 11:18:38 AM

LARRY DOZIER
CIRCUIT COURT CLERK
ELMORE COUNTY, ALABAMA
8935 HIGHWAY 231 NORTH
WETUMPKA, AL 36092

334-567-1123
larry.dozier@alacourt.gov

**IN THE CIRCUIT COURT OF
ELMORE COUNTY, ALABAMA**

MONTGOMERY MARINE REPAIR, §
INC.,

Plaintiff(s), §

V. § CASE NO. CV-06-563-F

SONDRA McBRIDE, et al., §

Defendant(s), §

**ORDER SETTING CASE FOR TRIAL, SCHEDULING ORDER
AND ORDER FOR PRETRIAL CONFERENCE**

1. EACH PARTY AND THE ATTORNEY OF RECORD FOR EACH PARTY IS HEREBY ORDERED TO READ THIS ORDER AND TO NOTE ON THEIR RESPECTIVE CALENDARS THE CRITICAL DATES DESCRIBED HEREINBELOW. THE PARTIES AND ATTORNEYS ARE ORDERED TO FULLY AND TIMELY COMPLY WITH EVERY PROVISION OF THIS ORDER OR SUFFER APPROPRIATE SANCTIONS AND/OR BE REQUIRED TO SHOW CAUSE WHY THE OFFENDING PARTY SHOULD NOT BE HELD IN CONTEMPT.

2. This case is hereby set for trial on the **7th day of January, 2008**
at 8:30 a.m.

(a) The **parties** along with their respective **trial counsel** shall appear together for a pretrial conference to be held on **December 18, 2007 at 9:00 a.m.** at the Elmore County Judicial Complex. Attorneys shall have the parties present at the pretrial conference or

otherwise have immediate telephone access to those persons represented by counsel who have authority to settle the case. Attorneys working for insured parties shall have the claims adjuster in attendance at the pretrial conference or shall otherwise have immediate telephone access to the person or persons authorized to settle the case.

(b) All motions for mandatory mediation must be filed a least 60 days prior to the pretrial conference. Those motions for mediation filed after that date will not be considered.

WITNESS IDENTIFICATION AND DISCOVERY CUTOFFS

3. The parties and attorneys shall investigate and prepare their case in such a manner as to enable compliance with all of the requirements set out in this paragraph:

(a) The parties are hereby Ordered to exchange a list containing the name and address of each potential witness in two separate phases and shall ultimately identify for purposes of the pretrial order the "actual" witnesses which will be called to testify.

(1) First, the parties and counsel are Ordered to make an immediate good faith effort to determine from available records and other resources the names and addresses of those persons having knowledge about the facts of the case and/or identify expert witnesses who have formed opinions or conclusions about the case. The potential witnesses so discovered shall be included in the first list exchanged between counsel by not later than **October 15, 2007**. Counsel are not required to disclose "experts" with whom they consult who will not be called to testify at trial.

(2) Secondly, the parties and counsel are Ordered to identify any and all additional, potential fact or expert witnesses identified during discovery or from other means, who have personal knowledge about the case or who have formed opinions

regarding the case, by exchanging a supplemental list on or before **November 26, 2007**. Counsel are not required to disclose "experts" with whom they consult who will not be called to testify at trial.

(3) The Plaintiff shall be required to tender its expert witnesses expected to testify on the liability or damage issues for depositions before the Defendant(s) are required to tender their expert witnesses for depositions.

(b) The parties and attorneys are Ordered to complete all discovery by not later than **November 26, 2007**. Therefore, all interrogatories, motions to produce, etc., shall be served not later than **October 26, 2007**, so that no unanswered discovery is outstanding at the aforesaid completion date. It is further Ordered that all depositions be taken on or before **November 26, 2007**.

(c) THE PARTIES AND THE ATTORNEYS ARE HEREBY PROHIBITED FROM EXTENDING THE COURT IMPOSED CUT OFF DATES FOR COMPLETION OF DISCOVERY INCLUDING DEPOSITIONS. THE COURT WILL CONSIDER GRANTING LEAVE TO EXTEND DISCOVERY CUT OFF DATES ONLY FOR GOOD CAUSE SHOWN WITHIN THE SOUND DISCRETION OF THE COURT. PROCRASTINATION WILL NOT BE REWARDED.

(d) Copies of all exhibits to be offered into evidence shall be pre-marked for identification and exchanged between the parties and counsel by not later than **November 26, 2007**. Exhibits not exchanged will not be admitted at trial. Objections known or reasonably foreseeable to the exchanged exhibits shall be made in writing by not later than **December 18, 2007**, stating the specific grounds upon which the objections are based.

The Court may for good cause shown, grant leave to allow objections not timely made in accordance with this provision of the scheduling order and shall allow those objections not reasonably foreseeable before trial, as justice and reason dictate within the sound discretion of the trial court.

4. Motions for Summary Judgment shall be filed as soon as discovery of the evidence and law reasonably permit in order to allow the Court sufficient time to hear and rule on same. The final deadline for filing motions for summary judgment which have not been more timely filed under the above instruction is **November 27, 2007**. Motions in limine regarding any known issues of evidence requiring extraordinary time and attention of the Court shall be filed on or before **November 27, 2007**. All motions which have not been heard and which are pending as of **November 27, 2007**, are hereby set for hearing at the pretrial conference on **December 18, 2007**.

SETTLEMENT CONFERENCE MANDATORY

5. The **parties** along with their respective **trial counsel** are Ordered to **personally** meet with each other for the purpose of engaging in **good faith** negotiations for a reasonable and fair settlement of the case prior to the pretrial conference. Attorneys working for insured parties shall have the claims adjuster working the case for the insurance company personally attend the meeting. The meeting shall be scheduled at a time and location mutually agreed upon by counsel within the 14 days preceding the date of the pretrial conference on **December 18, 2007**.

(a) The parties and attorneys are Ordered to certify in writing that the meeting took place, who was in attendance, the starting time, the completion time, and the results

obtained at the meeting within seven days immediately following same.

(b) If the case is not settled at the aforesaid meeting, the parties and attorneys shall be fully prepared to discuss their respective evaluations by reference to the facts regarding liability and damages, as well as reference to verdicts and settlements of similar cases as may be appropriate at the pretrial conference.

PRETRIAL ORDER

6. The parties and attorneys are Ordered to jointly prepare and submit at pre-trial conference a proposed pretrial order which shall include a stipulation of uncontroverted facts which will require no proof at trial, the contentions of the parties, the pleadings allowed, a list of witnesses, and a list of exhibits. Failure to fully comply with the provisions of this paragraph may result in claims, exhibits and witnesses being excluded by the Court.

SUBMISSION OF JURY CHARGES

7. Jury charges on all substantive issues of law involved in the case shall be filed on the first day of trial. Pattern Jury Instructions applicable to the case may be copied and submitted to the Court.

ORDERED this the 23rd day of August, 2007.

s/ BAF
BEN A. FULLER
CIRCUIT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

DESMONDANTONIO T. GROVE,

Defendant.

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CR. NO.
2:07CR168-MEF

WAIVER OF SPEEDY TRIAL RIGHTS

I, Desmondantonio T. Grove, defendant in the above styled case, do hereby waive my rights to a speedy trial as established in 18 U.S.C. 3161 et seq. I certify to the court that I am waiving these rights knowingly, voluntarily, and intelligently after receiving a full and complete explanation of my rights given to me by my attorney and,

WITH FULL KNOWLEDGE OF MY RIGHTS, I HEREBY EXPRESSLY WAIVE MY RIGHTS TO A SPEEDY TRIAL.

12/17/07
Date

Desmond Antonio T. Grove
Desmondantonio T. Grove
Defendant

Jeffery C. Duffey
Jeffery C. Duffey
Attorney for Defendant
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Montgomery, AL 36104
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